

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,))
)
 v.)) No. 5:12-cr-06019-DGK-1
)) No. 5:13-cr-06017-DGK-1
)
 MALCOLM WILSON,)
)
 Defendant.)

**ORDER ADOPTING REPORT AND RECOMMENDATION CONCERNING
DEFENDANT'S COMPETENCY**

On October 31, 2017, U.S. Magistrate Judge Matthew Whitworth ordered Defendant Malcolm Wilson to undergo a competency evaluation. Jeremiah Dwyer, Ph.D., conducted the examination and concluded that Defendant is not competent to proceed. His report was filed with the Court on February 26, 2019, and U.S. Magistrate Judge Sarah Hays held a competency hearing on February 28. She then entered a Report and Recommendation (Doc. 115) recommending that the Court find Defendant incompetent and commit him to the custody of the Attorney General for hospitalization and treatment. Neither party objected, and the time to do so has now passed.

Therefore, after independently reviewing the record, the Court ADOPTS Magistrate Judge Hays's Report and Recommendation in its entirety. The Court finds Defendant incompetent to proceed at the present time. The Court also commits Defendant to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d) for hospitalization and treatment in a suitable facility for a reasonable time, not to exceed 120 days, to determine whether there is a substantial probability that he will attain the capacity to proceed within the foreseeable future.

IT IS SO ORDERED.

Date: April 8, 2019

/s/ Greg Kays

GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT